

ABSTRACT

MUHAMMAD IRFAN RIZKIANI. *Legal Analysis of standard Agreement According to Shariah Principles on Mudharabah Financing at Bank BJB Syariah BSD Branch: Tangerang (Guided by Zulfikri Aboebakar)*

The Contract standard is a written agreement made or provided by one party, by including various contract clauses which have been standardized by one party without giving another party the opportunity to negotiated. The existence of contracts standard in the world of shariah business is a pros and cons in the community especially among legal experts, because in addition to simplify and save time, also contrary to the principles of shariah is detrimental to others. This study aims to find answers to the main problem how the practice of applying contract standard on mudharabah financing in Bank BJB Syariah BSD Branch and the validity of the Standard Agreement according to shariah principles. The research method, it used Normative (Juridical Normative) and Empirical with statue approach and conceptual approach through Primary Data Source, Secondary Data and Tertiary Data with Library and Field Study as data collection technique. The results of research and discussion show the contract standard on Mudharabah financing implemented in Bank BJB Syariah BSD Branch is final and can not be revised by the customer. Contract creation does not include customers and no negotiations it cause this contract standard to contradict the principle of contract in Islam namely the principle of freedom of contract, the principle of benefit (not burdensome) and the principle of equilibrium (justice). Nevertheless, the standard contract on mudharabah financing is legally valid as it has fulfilled the terms and conditions of contract in Islam marked by the signing of the standard contract by both parties as proof that both parties are equally sincere. Therefore, it is deemed necessary to negotiated or eliminated the aggravating clauses to create equal, fair and mutually sincere (like the likes) between the two parties.

Keywords: Bank Syariah, Standard Contract, Mudharabah, Shariah Principles